



PUBLIC NOTICE

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May 11, 2009

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENTS ON REGION 39 (TENNESSEE) 700 MHZ REGIONAL PLAN AMENDMENT

PS Docket No. 06-229 and WT Docket No. 02-378

Comments Due: June 1, 2009

Reply Comments Due: June 11, 2009

Introduction. On March 18, 2009, the Region 39 (Tennessee)¹ 700 MHz Regional Planning Committee (RPC) submitted a proposed modification (Plan Amendment) to amend its 700 MHz Public Safety Plan² for General Use spectrum in the 769-775/799-805 MHz band.³ The Plan Amendment provides the following modifications:

- Revises the Plan, Appendix G – Region 39 Channel Allotments by Class, by modifying the frequency allocations table from 25 kHz channel to 12.5 kHz channel allocation blocks.
- Revises the current frequency allocations by increasing the allotments to nine counties to facilitate the deployment of a regional 700 MHz P25 trunked system project funded by a Public Safety Interoperable Communications (PSIC) grant.
- Revises allocations by increasing the allotments in counties where the most population growth exists and in those counties most likely to use the 700 MHz spectrum.

The proposed Plan Amendment was reviewed by, and letters of concurrence obtained from, all eleven regions adjacent to Region 39: Region 1 (Alabama), Region 4 (Arkansas), Region 10 (Georgia),

¹ The Region 39 (Tennessee) 700 MHz regional planning area consists of the entire state of Tennessee.

² See Letter from John Johnson, Chair, Region 39 700 MHz Regional Planning Committee, to Federal Communications Commission, WT Docket No. 02-378 (filed Mar. 18, 2009) (Plan Amendment). The Region 39 Plan was initially approved in June 2006, and amended in June 2008; see Wireless Telecommunications Bureau Approves Region 39 (Tennessee) 700 MHz Regional Committee 700 MHz Public Safety Plan, WT Docket No. 02-378, WT Docket No. 96-86, *Public Notice*, 21 FCC Rcd 6913 (WTB-PSCID); Public Safety and Homeland Security Bureau Approves Region 39 (Tennessee) 700 MHz Plan Amendment, WT Docket No. 02-378, PS Docket No. 06-229, *Public Notice*, 23 FCC Rcd 8762 (PSHSB 2008).

³ The General Use spectrum is administered by regional planning committees (RPCs) and is licensed for public safety services on a site-by-site basis in accordance with the relevant Commission-approved regional plan and frequency coordination.

Region 13 (Illinois), Region 17 (Kentucky), Region 23 (Mississippi), Region 24 (Missouri), Region 31 (North Carolina), Region 37 (South Carolina), Region 42 (Virginia) and Region 44 (West Virginia).⁴

Background. In 1998, the Commission established a structure to allow RPCs optimal flexibility to meet state and local needs, encourage innovative use of the spectrum, and accommodate new and as yet unanticipated developments in technology and equipment.⁵ There are fifty-five RPCs, and each committee is required to submit its plan for the General Use spectrum.⁶ The Commission's role in relation to the RPCs is limited to (1) defining the regional boundaries; (2) requiring fair and open procedures, *i.e.*, requiring notice, opportunity for comment, and reasonable consideration; (3) specifying the elements that all regional plans must include; and (4) reviewing and accepting proposed plans (or amendments to approved plans) or rejecting them with an explanation.⁷

On July 31, 2007, the Federal Communications Commission (Commission) adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.⁸ The Commission adopted a plan for the 700 MHz band to establish a nationwide, interoperable public safety broadband communications network for the benefit of state and local public safety users. The Commission designated the lower half of the 700 MHz public safety band for broadband communications (763-768/793-798 MHz) and consolidated existing narrowband allocations in the upper half of the public safety 700 MHz band (769-775/799-805 MHz).

Request for Comments on the Region 39 Plan Amendment. Interested parties may file comments on the plan amendment on or before **June 1, 2009**. Parties interested in submitting reply comments must do so on or before **June 11, 2009**. All comments and reply comments should reference the subject plan amendment and **PS Docket No. 06-229 and WT Docket No. 02-378**. Comments and reply comments may be filed by using (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- Electronic Filers: Comments and reply comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.

⁴ See 47 C.F.R. 90.527(a)(5) (requiring that each regional planning committee provide an explanation of how its plan has been coordinated with adjacent regions).

⁵ See 47 C.F.R. § 90.527; *see also* Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96-86, *First Report and Order and Third Notice of Proposed Rulemaking*, 14 FCC Rcd 152 (1998) (*First Report and Order*); *Second Memorandum Opinion and Order*, 15 FCC Rcd 16844 (2000).

⁶ See 47 C.F.R. § 90.527. Each RPC must incorporate certain common elements into its 700 MHz plan. A list of 700 MHz RPCs and region activities is available at <http://www.fcc.gov/pshs/public-safety-spectrum/700-MHz/>.

⁷ *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

⁸ Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007) (*Second Report and Order*).

- For ECFS Filers: In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an email to ecfs@fcc.gov and include the following words in the body of the message: “get form.” A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to: Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission’s contractor will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.
- People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

All filings must be addressed to the Commission’s Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554. Parties must also serve one copy with the Commission’s copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via email to fcc@bcpiweb.com.

The Plan Amendment is available through ECFS at ecfs@fcc.gov. Region 39 Plan documents in **PS Docket No. 06-229** and **WT Docket No. 02-378** are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, email fcc@bcpiweb.com.

For further information regarding this matter, contact Jeannie Benfaida, Policy Division, Public Safety and Homeland Security Bureau at (202) 418-2313 or Jeannie.Benfaida@fcc.gov.

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